

	MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES CHILD AND ADULT CARE FOOD PROGRAM AT-RISK AFTER SCHOOL PROGRAMS POLICY & PROCEDURE MANUAL	ISSUED 7/1/03; 8/06	REVISED 1/12db 3/12 sjc	CHAPTER 10	SECTION 10.5
CHAPTER Chapter 10. Complaint and Appeal Procedures		SUBJECT Appeal of Proposal to Terminate Seriously Deficient			

A center and responsible principals and responsible individuals that receive a notice of a serious deficiency have the right to appeal the findings leading to the serious deficiency rating, but **not** the serious deficiency notice. See Sections 8.2 and 8.6 for serious monitoring findings and review grading information.

Institutions and responsible principals with serious deficiencies have 90 days to demonstrate “full and permanent” corrections by:

- Submission of a Corrective Action Plan that is deemed by MDHSS-BCFNA to adequately address the seriously deficient citations

A copy of the notification of serious deficiency is forwarded to the United States Department of Agriculture – Mountain Plains Regional Office (USDA-MPRO) for tracking.

If it is determined, based on the Corrective Action Plan, that the center has adequate measures in place to fully and permanently correct/eliminate the serious deficiency findings, MDHSS-BCFNA will temporarily defer the serious deficient determination. The temporary deferment of the serious deficient determination letter is forwarded to USDA-MPRO.

An unannounced follow-up monitoring review will be conducted to evaluate the effectiveness of the corrective actions taken by the center. When a follow-up monitoring review demonstrates that limited or no corrections have been made, MDHSS-BCFNA will notify by certified mail, e-mail or fax of the “proposed termination” of the CACFP contract and disqualification of the responsible principals and responsible individuals. A proposal to terminate determination can be CACFP contract can be appealed. See Section 10.1 for specific details.

Regulations require that, in every instance, both the chairperson of the institution’s board of directors, as well as the executive director or other person responsible for the CACFP receive the notice of serious deficiency as well as any other principals or individuals named as **“responsible”** for the serious deficiencies. Typically, the executive director, owner, or other person with overall responsibility for the CACFP within the institution would be named as “responsible” for the institution’s serious deficiency. **“Responsible principals”** are those organization officials who, by virtue of their management position, bear responsibility for the institution’s serious deficiency. These management officials also bear responsibility for the poor performance of non-supervisory employees which may have caused the serious deficiency. Non-supervisory employees include contractors and unpaid staff, are named **“responsible individuals”** only when they have been directly involved in egregious acts, such as filing false reports or actively participating with institution principals in a scheme to defraud the Program.

Reference: CACFP Improving Management and Program Integrity, Final rule effective July 13, 2011
Federal Register, Vol. 76, No. 113
7 CFR 226.6(4)(i)